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I. Profession **Accrediting Agency or Jurisdiction** **Date of Admission**

Attorney	Appellate Division, Supreme Court, NYS,	
	1st Judicial Dept.	1983
	USDC-EDNY, SDNY	1984

II. Professional Organization **Date of Admission** **Active/Inactive**

ABA	1983	Active
NYS Bar Assoc.	1983	Active
NY County Lawyers Assoc.	1983	Active

III. General professional experience:

For the last 16 years I have been a litigator in NYC, representing clients in business, tort, and reinsurance and insurance litigation. I have represented defendants in jury trials involving claims of personal injury and property damage, have been actively involved in numerous reinsurance/insurance coverage disputes and have handled a wide variety of business and commercial matters including real estate, coop/condo litigation, defamation, intellectual property, construction litigation, unfair competition, UCC, creditors rights, bankruptcy, business fraud, employment discrimination, partnership dissolution and securities litigation.

IV. General pertinent experience:

I have approximately nine years of general mediation experience. I have been involved as a third party neutral in Alternative Dispute Resolution ("ADR") since the early '90s, having resolved over 200 disputes.

I have served as a mediator or ADR neutral in connection with matters involving claims concerning admiralty, civil rights (1983), employment discrimination, fair housing discrimination, intellectual

property, personal injury, construction, fire and property damage, insurance coverage, civil forfeiture, fraud, professional liability, bank fraud, real estate development and mortgages, rent, securities, surety bond defaults, sports management, commercial claims, attorneys fees, and ERISA benefits. The monetary value of claims involved in these mediations has ranged from small claims matters to \$250,000,000.00.

Approximately four years ago, I formed Resolve Mediation Service, Inc., as a private provider of neutral dispute resolution services.

Listed below are programs, court systems or administrative bodies through which I gained mediation experience:

Early Neutral Evaluation:

Approximately nine years ago, I began active involvement in ADR. First, I served as an early neutral evaluator on the Early Neutral Evaluation (“ENE”) panel of the United States District Court for the Eastern District of New York (“EDNY”). I have been a neutral party in several ENEs. Many of these ENEs were effectively mediations, since I stressed party self-determination and was typically able to assist the parties in arriving at resolutions without having to offer my opinion, evaluation or “prediction” of the likely outcome of the matter in the event it would have proceeded through trial and appeal.

Mediation:

I am a mediator on the following panels:

- United States District Court, EDNY (a) mediation panel (voluntary, paid), before the ENE panel converted to a mediation panel, (b) mediation panel (mandatory, pro bono) 1992 – present. I acted as Official Reporter for Colloquia held in connection with the EDNY ADR panel.
- United States District Court for the Southern District of New York, mediation panel, 1993 – present.
- Supreme Court of the State of New York, Commercial Division ADR panel, 1995 – present. I am on the Advisory Group to the Commercial Division, assisting the Court in connection with its ADR panel, have organized and facilitated discussion groups of the Commercial Division neutrals at two Anniversary celebrations of the Commercial Division, have trained the Commercial Division mediators, and was actively involved in the development of Ethical Standards of Conduct for Commercial Division mediators and neutrals.
- United States Bankruptcy Court for the Southern District of New York, mediation panel, 1999 – present.
- Civil Court of the City of New York, Small Claims Court mediation panel, 1994 (?) – present.

- National Association of Securities Dealers (NASD Regulation, Inc.), mediation panel, 1997 – present.
- New York Stock Exchange, mediation panel, 1999 – present.
- Mediator, Equal Employment Opportunity Commission, contact mediation panel 1999 and 2001 (for EEO claims filed with the United States EEOC).
- Mediator, U.S. Postal Service, REDRESS mediation panel (for internal EEO claims), and REDRESS II mediation panel (for EEO claims formally filed with the EEOC).
- Joint Committee on Fee Disputes (New York County Lawyers' Association, Association of the Bar of the City of New York, Bronx County Bar Association) handling disputes arising out of grievances brought by clients against attorneys.
- Bar Association of the City of New York, ADR panel for inter-lawyer disputes, 1997 – present.
- Judicate's non-judicial mediation panel, 1993 – 1997.
- Resolve Mediation Services, Inc., President, 1997 – present.

Arbitration:

In addition to my work as a mediator, I have served for several years as a Small Claims Arbitrator in the Civil Court, New York County, and as an arbitrator for Matrimonial Fee Disputes, by referral from the Supreme Court of the State of New York, County of New York, and am an Arbitrator for the National Arbitration Forum, and am on the arbitrator panel for the New York Stock Exchange.

V. Mediation training:

I have engaged in well over 100 hours of training and education related to mediation.

My first ADR training was a two or three day course given by Linda Singer, Michael Lewis (and possibly Margaret Shaw or Nancy Rogers) for neutrals in the EDNY ADR program. I estimate that this took place in 1992 or 1993. This involved lecture, role plays and feedback. Thereafter, I took courses through the SDNY program and elsewhere, essentially for the panels listed in answer to item 2 below.

Most recently, in addition to the substantial number of programs referenced above and detailed below, I participated in two additional training programs:

- Intensive Skills Tutorial in advanced Transformative Mediation, for mediators already trained in and using the transformative framework of practice for the United States Postal Services REDRESS

Program and selected for its "Blue Ribbon Panel" to handle REDRESS II mediations (*i.e.*, for claims formally filed with the EEOC) -- presented by Robert A. Baruch Bush and Sally Ganong Pope, and utilizing one-on-one feedback based on video-tapes of mediations by the mediator-trainees, June 2000;

- On invitation by the Office of Court Administration, State of New York, I participated in an advanced two day "train the trainers" seminar in 2000, presented in Ithaca, New York by Prof. Lela Love and Judith Saul.

Much of my learning has been in the role of facilitator or teacher in other ADR programs. I *facilitated* mediation training in the following programs:

- Two day training in Mediation Course, International Center for Cooperation and Conflict Resolution, Columbia University Teachers College Winter 1997;
- Day training in Mediation Course, Benjamin N. Cardozo School of Law, with Professors Lela Love and Josh Stulberg, Spring 1998, and facilitated with feedback in mediation role play one day, January 1999;
- Three day training of NASD and Bankruptcy Court Mediators, with Jeff Abrams, Winter 1997-'98, and, again, with Hesha Abrams, same three day course in October 1998.

In addition, through serving as CLE Chair of the New York County Lawyers' Association ("NYCLA") Committee on Arbitration and ADR, and as Chair of that Committee, I have participated in the formation, moderation and as a member on a number of panels on topics relating to ADR, including:

- "Employment Mediation" Fall 1999 (A Mediator's Tips for Effective Representation in Employment Mediation);
- "Navigating the Waters of International ADR: Arbitration and Mediation Essentials" Fall 1999;
 - "Impasse Breaking Techniques in Mediation" Winter 1998 (panelists included Hon. Kathy Roberts, Margaret Shaw, Roger Deitz and Lela Love);
 - "Hot Topics in Securities Arbitration" Spring 1998 (co-sponsor to Securities Committee);
 - "Hot Topics in Securities Arbitration" Spring 1996;
 - "How to Represent Your Clients Successfully in the New Mandatory Mediation and Early Neutral Evaluation Programs in the U.S. District Courts" (panelists included Chief Judge Griesa, Dina Jansenson, George O'Malley, Gerald P. Lepp, John Wilkinson);

and I was recently moderated a panel on Securities Mediation for the NYCLA's ADR Committee in a CLE program held June 21, 2001 entitled:

- "Securities ADR: Essential Practical Skills in Arbitration and Mediation"

and have presented several CLE "Bridge the Gap" programs on Mediation, for NYCLA.

I have also participated in the formation, moderation and as a member on a number of panels on topics relating to ADR, through activities as a member of the New York State Bar Association ("NYSBA")

ADR Committee and on the American Bar Association's Litigation Section's ADR Committee in the following capacities:

- Program Chair and Moderator for NYSBA Committee on Alternative Dispute Resolution Program: "Mediation Ethics – What An Attorney Needs to Know" January 2001;
- Panelist on NYSBA Committee on Alternative Dispute Resolution Program: "ADR: From Drafting to Resolution," NYSBA Annual Meeting, January 2000;
- Panelist speaking on mediation in CLE program presented by NYSBA Securities Committee on Mediation and Arbitration in the Securities Industry, November 1998;
- Panelist (mediator) on NYSBA Committee on Alternative Dispute Resolution Program: "Effective Advocacy in Mediation," Winter 1997-98;
- Chair of Breakfast Program, ABA Litigation Section ADR Committee: Implications of the RAND Corporation Report on ADR in the Federal Courts, Summer 1997;
- Panelist, New York State Supreme Court, New York County, Commercial Division, Anniversary Neutrals' Luncheon Forum, Fall 1996 *and* Fall 1997.

Through New York University's School of Continuing Education, I *developed* and *presented* the following all day CLE Program:

- Chair and Co-Presenter, One Day CLE Program "Dispute Resolution – Mediation," New York University, Midtown Institute, Fall 1999

I have served as a *guest lecturer* or *guest mediator* in classes taught by the following Professors:

- Catherine Cronin-Harris, Mediation Course, Fordham University School of Law;
- Susan MacKenzie, Employment Mediation Course, Benjamin N. Cardozo School of Law;
- Lela Porter Love, Processes of Dispute Resolution Course, Benjamin N. Cardozo School of Law;
- Lori Goldstein, Mediation Course, Brooklyn Law School

In addition, I have *taught* the following ADR courses, as an adjunct Professor. These courses involved preparing role plays and other exercises for students designed to develop ADR skills, awareness of bargaining styles and methods, communication skills and other functions relating to ADR training:

- "*Negotiation*" (28 hours), at Benjamin N. Cardozo School of Law, Spring 2001;
- "*Negotiation and Mediation*" (25 hours), at Benjamin N. Cardozo School of Law, Summer Institute, Summers 1998, 1999, 2000;
- "*Fundamentals of ADR*" (25 hours for each course), New York University School of Continuing and Professional Studies, Department of Finance, Law & Taxation, Certificate Program in Dispute Resolution.

I also *developed* and *presented* mediator training programs:

- three day training -- for mediators on the ADR panels of the Commercial Division of Supreme Court, New York County and the Appellate Division, 1st Department, June 1999 and February 2000
- two day training program for mediators on the ADR panel of the Commercial Division of Supreme

Court, Westchester County.

Apart from the above activities as a facilitator, trainer, teacher or panelist, I have for the last few summers attended a number of programs on ADR over several days each summer at the ABA's Annual Convention.

Other Bar Committee work has offered significant learning opportunities. NYCLA's ADR Committee has *monthly* luncheon meetings typically featuring a speaker on an ADR topic. Since approximately 1992, I have participated actively as a committee member, later as CLE Chair, and for three years as ADR Committee Chair (1997-2000), in these monthly luncheon meetings, and have found the speakers and the discussion generated – while not role plays – nevertheless to be a fertile source of ADR learning. The same is true (although with lesser frequency) from participation in NYSBA and ABA ADR committees.

I have also been a guest speaker on the Accountants' Role in ADR, Association of Accountants Administrators, Spring 1998, and before the New York Society of CPAs in November 1998.

In addition to the above, my pre-law involvement in the Comparative Study of Religion sensitized me to the importance of open listening, dialogue, cooperation and tolerance, which is an essential precondition to mediation skills.

I have also refined my ADR understanding through the work that goes into preparing for publications and public hearing testimony on this subject.

Publications:

I have been a Contributing Author on ADR subjects in the following publications:

- American Bar Association Conflict Management Newsletter,
- The Metropolitan Corporate Counsel,
- New York County Lawyer's Association Journal
- The CPA Journal.

In addition, I was co-author of NYCLA Committee on Arbitration and Alternative Dispute Resolution Report on the Success of the EDNY ADR Program and on Results of the RAND Corporation Study of that program (awarded NYCLA's Klaus Eppler prize for best Committee report 1997- '98).

In connection with the course handbook prepared for a New York State Bar Association CLE course on *Successful Representation of Parties in Securities Arbitration and Mediation*, November 1998, I published an article on:

- "Effective Representation of Clients in the Mediation of Securities Disputes."

In connection with the work of the ADR Committee of the New York State Bar Association, I was Subcommittee Chair and chief drafter of the following section of the following report, focussing on

issues relating to ethical considerations, standards and qualifications for mediators, confidentiality, mediator liability and immunity:

- *Bringing ADR Into the New Millenium – Report on the Current Status and Future Direction of ADR in New York, Section VIII: Provision of ADR Services in New York* (Subcommittee Chair and chief drafter for pages 53-73 of the Committee Report), New York State Bar Association, Committee on Alternative Dispute Resolution, February 1999.

In connection with the presentation of two and three day training courses for mediators on the mediation panels of the Commercial Division, Supreme Court, New York and Westchester Counties, and the Appellate Division, 1st Department panel, I created the training manual:

- *The Mediator's Art*, Unified Court System, Office of Court Administration, Commercial Division, Supreme Court New York and Westchester Counties, June 1999, December 1999, February 2000 (Mediation Training Manual; a several hundred page compilation, with original materials).

Public Hearing Testimony:

I testified twice on ADR, in or about 1996, before the ADR Task Force formed by Chief Judge Judith Kaye to consider the condition, and develop a plan for implementation, of ADR in the New York State court system. I currently serve on the Unified Court System Alternative Dispute Resolution Advisory Committee, concerning ADR implementation in New York State Courts.

I might add, however, that mediation skills – such as active listening, facilitating communication, generating options, breaking impasse, building trust and rapport, paraphrasing or reframing, handling emotions, managing interactions and power imbalances, summarizing, problem solving, honoring confidentiality and maintaining neutrality – can be developed out of a number of contexts without formal mediation training. I believe my own interest in, and development of, these skills and traits came, in part, out of undergraduate and graduate studies in depth psychology and the comparative study of religion – an arena benefiting from dialogue and the respectful and empathetic recognition of divergent views – and also (in negotiation and reality testing) from my experience as a litigator.

VI. Pertinent bankruptcy training:

In 1989, for the months immediately prior to the dissolution of the NY office of Certilman Haft, et al. (after its acquisition by Rivkin Radler Dunne & Bahy), I worked as an associate for Martin F. Brecker, in the firm's bankruptcy department. I was involved in adversary proceedings, wrote briefs on bankruptcy issues and made appearances in the USBC-SDNY, at that time. Most of these matters were on behalf of corporate debtors. Subsequently, in my own representation of commercial parties, particularly creditors, I have had to perform bankruptcy related analyses (such as on preferences) or analyses of priorities among creditors in connection with the planning for, or actual collection of debts where there is a possibility that the debtor might file for bankruptcy protection. I have also represented parties in secured transactions, further requiring an understanding of lien perfection and priorities among creditors.

VII. General pertinent business or legal experience:

For the last eighteen years, I have been a litigator in New York City, representing clients in business, tort, and reinsurance and insurance litigation. I have represented defendants in jury trials involving claims of personal injury and property damage, have been actively involved in numerous reinsurance/insurance coverage disputes and have handled a wide variety of business and commercial matters including real estate, coop/condo litigation, defamation, intellectual property, construction litigation, unfair competition, Uniform Commercial Code ("UCC"), creditors rights, bankruptcy, business fraud, employment discrimination, partnership dissolution and securities litigation.

Prior to attending law school, I worked as market maker clerk for a stock options trading firm, O'Connor & Associates, and opened and ran the New York office of a Stock Options Clearing House, First Options of Chicago.